REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 19–30 will be pending. By this amendment, claims 19 and 27–30 have been amended, and claims 1–18 and 31–39 have been canceled. No new matter has been added.

Summary of October 16, 2007, Telephone Interview Pursuant to MPEP 713.04

(A) A brief description of the nature of any exhibit shown or any demonstration conducted

A proposed amendment was transmitted via FAX to the Examiner prior to the interview. No demonstration was conducted.

(B) Identification of the claims discussed

Claims 1, 17, 18, 19, 28, 29, and 31 were discussed.

(C) Identification of specific prior art discussed

U.S. Patent No. 6,529,992, and Redford, *et al.* (U.S. Patent No. 5,711,672) were discussed.

(D) Identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary form completed by the examiner

The proposed amendments in claim 19 that were discussed in the interview are shown above in amended claim 19.

(E) The general thrust of the principal arguments of the applicant and the examiner should also be identified, even where the interview is initiated by the examiner. The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner

The general arguments for allowability of claim 19 are that: 1) the subject matter of independent claim 19 includes the management of multiple participating applications, whereas Redford discloses managing one application, and 2) the subject matter and amendments with regard to claim 19 are supported in the Specification, generally in paragraphs [0048]–[0055].

The general arguments for allowability of claims 1 and 31 with respect to the limitation of "monitoring events in said media drive and said participating application" are that both the application and the media drive are monitored, whereas Redford appears to disclose monitoring only the media drive.

(F) A general indication of any other pertinent matters discussed

The need for clarification of the § 102 rejection of claim 19, with respect to "providing a list of the plurality of software programs located on the storage media (see for example, ;" was discussed. The bases for the rejections of claims 17, 18, 28, and 29 under § 102 were also discussed.

(G) If appropriate, the general results or outcome of the interview

The § 102 rejection of claim 19 will be reconsidered in light of the arguments and amendments thereto. The part of the rejection based upon "providing a list of the plurality of software programs located on the storage media…" will be reconsidered.

The bases for rejection under § 102 of claims 17, 18, 28, and 29 were clarified.

(H) In the case of an interview via electronic mail, a paper copy of the Internet e-mail contents MUST be made and placed in the patent application file as required by the Federal Records Act in the same manner as an Examiner Interview Summary Form, PTOL 413, is entered.

The subject interview was telephonic, making this requirement moot.

Objections to the Specification

In Section 6 of the Office Action dated August 1, 2007 (hereinafter referred to as "the Office Action"), the disclosure is objected to because of informalities. The Specification has been amended to address this objection.

Accordingly, it is submitted that the objection to the disclosure has been overcome and withdrawal thereof is respectfully requested.

Objections to Claims 35–39

In Section 7 of the Office Action, claims 35–39 stand objected to. Claims 35–39 have been canceled.

Accordingly, it is submitted that the objection of claims 35–39 is moot and withdrawal thereof is respectfully requested.

§112 Rejection of Claims 2, 8, 27–30, and 35–39

In Section 9 of the Office Action, claims 2, 8, 27–30, and 35–39 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 27–30 have been amended accordingly and should therefore now be allowable. Claims 2, 8, and 35–39 have been canceled.

Accordingly, it is submitted that the rejection of claims 2, 8, 27–30, and 35–39 based upon 35 U.S.C. §112, second paragraph, has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Nonstatutory Double Patenting Rejection of Claims 1–8, 19, 31, and 32

In Section 11 of the Office Action, claims 1–8, 19, 31, and 32 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1–26 of U.S. Patent No. 6,529,992 (hereinafter referred to as "the '992 patent").

Applicants respectfully traverse the rejection of claim 19. Claim 19 as presented herein provides for a method of managing a plurality of software programs for use with a computer device in accordance with a control file contained on storage media external to or removable from the computer device, including at least: activating the storage media to establish communication with the computer device; determining that the control file indicates the presence of the plurality of software programs located on the storage media; providing from the control file a list of the plurality of software programs located on the storage media; and selecting one of the plurality of software programs for execution; providing special instructions in a control file control sub-file located on the storage media for each of the selected software programs, the special instructions control sub-file including configuration information, software launching information; and data file storage information.

By contrast, the referenced patent does not appear to disclose determining that the control file indicates the presence of the plurality of software programs located on the storage media; providing from the control file a list of the plurality of software programs located on the storage media; and selecting one of the plurality of software programs for execution; providing special instructions in a control file control sub-file located on the storage media for each of the selected software programs, the special instructions control sub-file including configuration information, software launching information; and data file storage information.

Based on the foregoing, claim 19 is patentably distinguishable over claims 1–26 of the '992 patent. Claims 1–8, 31, and 32 have been canceled.

Accordingly, it is submitted that the rejection of claims 1–8, 19, 31, and 32 on the ground of nonstatutory obviousness-type double patenting has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§102 Rejection of Claims 1–12, 19–25, and 31–34

In Section 13 of the Office Action, claims 1–12, 19–25, and 31–34 stand rejected under 35 U.S.C. §102(b) as being anticipated by Redford *et al.* (U.S. Patent No. 5,711,672; hereinafter referred to as "Redford").

As disclosed in the Background section of the Specification, "there is a need for a method and apparatus for facilitating the maintenance and use of a user's data, application software and computer devices. Further, there is a need for a method and apparatus that performs these functions automatically with little or no input from the user in order to prevent accidental loss of data and to provide ease of application use. Such a need would be solved by an self-contained application stored on removable media that is adapted to automatically start devices or launch application software from the removable media or the computer's hard drive upon insertion into the computer, while also saving the data files to the removable media or other predetermined location." *Specification, paragraph 0009.*

To address the problem stated above, embodiments of the present invention provide for methods of using "a removable disk … within a computing environment to maintain application software, data and devices. In accordance with the present invention, a user inserts the removable disk containing the application software to be executed into the personal computer,

and the software application or device is automatically launched/started and readied for use. The

present invention advantageously allows a user to maintain everything he or she needs using a

removable disk." *Specification, paragraph 0018.*

In one embodiment, a task disk control file ("TDCF") allows a user to select one or more

of the plurality of applications for execution. See *Specification, paragraph 0048.* For example,

claim 19 as presented herein provides for a method of managing a plurality of software programs

for use with a computer device in accordance with a control file contained on storage media

external to or removable from the computer device, including:

> *activating* the storage media to establish communication with the
> computer device;

> *determining* that the control file indicates the presence of the
> plurality of software programs located on the storage media;

> *providing* from the control file a list of the plurality of software
> programs located on the storage media;

> *selecting* one of the plurality of software programs for execution;

> *providing* special instructions in a control sub-file located on the
> storage media for each of the selected software programs, the
> control sub-file including configuration information, software
> launching information; and data file storage information;

> *transferring* files and configuring the computer device from a first
> state in accordance with the configuration information, wherein
> upon configuration the computer device is in a second state;

> *launching* the selected software in accordance with the software
> launching information;

> *monitoring* events to determine various stages in the operation of
> the selected software; and

> *unconfiguring* the computer device upon termination of the
> software program by removing files transferred to the

computing device to essentially return the computer device to
the first state.

(Emphasis added.)

Accordingly, the method of <u>managing a plurality of software programs</u> provided claim 19

includes at least determining that the control file indicates the presence of <u>the plurality of</u>

<u>software programs located on the storage media</u>, providing from the control file a list of <u>the</u>

<u>plurality of software programs located on the storage media</u>, selecting one of <u>the plurality of</u>

<u>software programs</u> for execution, and providing special instructions in a <u>control sub-file located</u>

<u>on the storage media for each of the selected software programs</u>.

The Specification discloses that in "an ... embodiment, the TDCF 220 may control a

plurality of applications. This embodiment may be used, for example, in a hard disk drive that is

attached to a computer. Under this embodiment, the TDCF 220 allows the user to select one or

more of the plurality of applications for execution. The TDCF 220 may present the selections to

the user in a menu using text, a graphical user interface, or any other system enabling the user to

make a selection. Once the user selects to run one of the programs on the media, the TDCF 220

executes the selected program according to the parameters of the TDCF 220 or a sub-TCDF.

FIG. 5 further illustrates the process of configuring the system environment from the TDCF 220

as performed in step 216." *Specification, paragraphs 0048–49.* Figure 5 illustrates an example

embodiment of the method, including testing for a single application (305), determining all

participating applications (315), and presenting participating applications for selection (320).

See *Specification, paragraphs 0049–51,* and *Figure 5.*

As to claim 19, the Office Action states, *inter alia*, "Redford discloses a method of

managing a plurality of software programs for use with a computer device in accordance with

special instructions contained on storage media external to or removable from the computer

device, said method comprising: … selecting one of the plurality of software programs (see for

example, Fig. 1D, step 117, 'Is DSIGOKEY.exe present in removable storage media peripheral

which caused interrupt?')." *Office Action, page 20, lines 9–12 and 17–19.*

Redford discloses receiving an interrupt from any removable storage media peripheral

and checking the storage media for a key file DISGOKEY.EXE. If found and the

DISGOKEY.EXE bit map is determined to be valid, then the presence of a DISGO.BAT file in

the storage media is determined. See *Redford, Figure 3, steps 115, 117, 119, 121, and 124.* "In

step 129 autostart driver 110 executes the command X:DISGO.BAT which executes instructions

in application profile file DISGO.BAT of the removable storage media inserted by a user in the

peripheral of host device 20. The application started by execution of application profile file

DISGO.BAT in turn loads into main memory at least a portion of the software of the application

encoded on the inserted storage media and then passes control to the application. Once the

application has terminated, control returns from the application to step 129 of autostart driver

110." *Redford, Col. 8, line 65 to Col. 9, line 8.* Redford discloses managing a single application

on a removable storage media, and therefore fails to teach or suggest managing a plurality of

software programs, including at least determining that the control file indicates the presence of

the plurality of software programs located on the storage media, providing from the control file a

list of the plurality of software programs located on the storage media, selecting one of the

plurality of software programs for execution, and providing special instructions in a control sub-

file located on the storage media for each of the selected software programs. Because Redford

does not disclose this limitation, Redford therefore fails to teach or suggest all the limitations of

claim 19.

The Office Action further states that Redford discloses "providing a list of the plurality of

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software programs located on the storage media (see for example, ;." *Office Action, page 20, lines 15–16.* Applicants respectfully request clarification of this statement, as discussed in the telephone interview of October 16, 2007 ("the telephone interview").

Based on the foregoing discussion, claim 19 should be allowable over Redford. Further, since claims 20–25 depend from claim 19, claims 20–25 should also be allowable over Redford. Claims 1–12 and 31–34 have been canceled by this amendment.

Accordingly, it is submitted that the rejection of claims 1–12, 19–25, and 31–34 based upon 35 U.S.C. §102(b) has been overcome by the present remarks and withdrawal thereof is respectfully requested. Applicants appreciate reconsideration of claim 19, as discussed during the telephone interview.

§103 Rejection of Claims 13–16, 26, 27, 30, 35, 36, and 39

In Section 15 of the Office Action, claims 13–16, 26, 27, 30, 35, 36, and 39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Redford.

Based on the foregoing discussion regarding independent claim 19, and since claims 26, 27, and 30 depend from claim 19, claims 26, 27, and 30 should also be allowable over Redford. Claims 13–16, 35, 36, and 39 have been canceled by this amendment.

Accordingly, it is submitted that the rejection of claims 13–16, 26, 27, 30, 35, 36, and 39 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration of claims 19–30

in view of the remarks and submit that all pending claims are presently in condition for

allowance.

In the event that additional cooperation in this case may be helpful to complete its

prosecution, the Examiner is cordially invited to contact Applicants' representative at the

telephone number written below. The Commissioner is hereby authorized to charge any

insufficient fees or credit any overpayment associated with the above-identified application to

Deposit Account **50-2075**.

Respectfully submitted,
Procopio, Cory, Hargreaves & Savitch

Dated: November 1, 2007   By: /Charles E. Eggers/
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